

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-8, 10-13, 18-21, 29-30, 55-61, and 70-83 are pending in the application, with Claims 1, 13, 29, 55 and 70 being independent. Claims 9, 14-17, 22-28, 31-54, 62-69 and 84-86 were previously canceled. Claims 1, 13, 29, 55 and 70 are amended herein. Support for the claim amendments and additions can be found in the original disclosure. No new matter has been added.

### **§ 101 REJECTIONS**

Claims 55-61 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended independent Claims 55 to recite “presenting a main menu for a game console on a display,” thereby transforming the underlying subject matter to a different or thing. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections.

### **§ 103 REJECTIONS**

Claims 1-8, 10-13, 18-21, 29-30, 55-61, and 70-83 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,599,194 to Smith *et al.* (hereinafter “Smith”) in view of U.S. 5,675,752 to Scott (hereinafter “Scott”).

**Independent Claim 1**, as currently presented, recites:

1. A game console, comprising:
  - a memory;
  - a processor coupled to the memory; and
  - a console application stored in the memory and executable on the processor, the console application to facilitate access to multiple media types associated with a plurality of different media sources by presenting graphics on a user interface, the graphics comprising:
    - a plurality of different graphical elements that are presented on a first display, each graphical element associated with one of the multiple media types; and
    - a menu layout accessible via each of the graphical elements, the menu layout presented on a second display that replaces the first display, the menu layout including:
      - a list portion showing a list of available titles of one of the multiple media types that are accessible from the game console;
      - an image portion outside of the list portion, the image portion depicting an image from a title currently selected from the list of available titles of the one media type;
      - a panel portion outside of the list portion, the panel portion displaying descriptive information regarding the title currently selected from the list of available titles of the one media type, and displaying a generic statement when no available titles are accessible from the game console; and
      - a count portion outside of the list portion, the count portion displaying a number of the available titles when one or more available title are accessible via the game console, and displaying a zero when no titles are accessible from the game console;
- wherein the multiple media types includes a game media type, a music media type, and a movie media type.

Applicant respectfully traverses the rejection. First, as noted in the Office Action, Smith does not teach or suggest the graphics recited in Claim 1. (Office Action, Page 5, Lines 11-18). Accordingly, Smith does not teach or suggest, “a plurality of different

graphical elements that are presented *on a first display*” and “a menu layout accessible via each of the graphical elements, *the menu layout presented on a second display that replaces the first display,*” (Emphasis added). (Office Action, Page 5, Lines 11-18).

Moreover, the deficiencies of Smith with respect to this element are not remedied by Scott. The Office Action cites Figure 3 of Scott as teaching a “plurality of different graphical elements,” as recited in Claim 1. (Office Action, Page 7, Lines 18-22, “wherein a plurality of graphical elements each associated with a media type such as audio, video, games, etc.”).

Simultaneously, the Office Action also cites Figures 3, 9b and 11 of Scott as teaching “a menu layout accessible via each of the graphical elements,” as recited in Claim 1. (Office Action, Page 7, Lines 22-24, Page 8, Lines 1-8). However, as illustrated Figures 3, 9b, and 11a of Scott, the “menu layout” is always presented in the same display screen as the “plurality of different graphical elements.” (Scott, Figures 3, 9b, and 11a).

Accordingly, Scott cannot teach or suggest, “a plurality of different graphical elements that are presented *on a first display*” and “a menu layout accessible via each of the graphical elements, *the menu layout presented on a second display that replaces the first display,*” as recited in Claim 1. (Emphasis added).

Second, since Smith does not teach or suggest the graphics recited in Claim 1, Smith also does not teach or suggest, “the panel portion displaying descriptive information regarding the title currently selected from the list of available titles of the one media type, *and displaying a generic statement when no available titles are accessible from the game console,*” as recited in Claim 1. (Emphasis added).

Moreover, the deficiencies of Smith with respect to this element are not remedied by Scott. The Office Action cites Figures 3, 9b, and 11a of Scott as teaching the “panel portion” recited in Claim 1. (Office Action, Page 8, Lines 5-6, “wherein panel portion outside the panel portion shown”). However, even assume, *in arguendo*, that Scott teaches a panel portion in its Figures 3, 9b, and 11a, each of the Figures 3, 9b, and 11a do not teach or suggest a panel portion that is capable of “*displaying a generic statement when no available titles are accessible from the game console,*” as recited in Claim 1. (Emphasis added).

Third, since Smith does not teach or suggest the graphics recited in Claim 1, Smith also does not teach or suggest, “a count portion outside of the list portion, *the count portion displaying a number of the available titles when one or more available title are accessible via the game console, and displaying a zero when no titles are accessible from the game console,*” as recited in Claim 1. (Emphasis added).

Moreover, the deficiencies of Smith with respect to this element are not remedied by Scott. Even assume, *in arguendo*, Scott teach one or more display screens for interactive application environment, Scott nevertheless does not teach or suggest a “count portion” as recited in Claim 1. Indeed, Scott is silent with respect to such a portion.

Thus, Smith and Scott, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to teach or suggest the features of Claim 1. Accordingly, Claim 1 is believed to be allowable over the cited references.

Due to the Applicant's earnest belief that Claim 1, as rejected under Section 103(a), is allowable because its recited elements are not taught or suggested in the cited references, Applicant will not address motivation to combine with respect to Claim 1 during this response. However, Applicant hereby reserves the right to further challenge motivation to combine the cited references.

**Dependent Claims 2-8 and 10-12** depend from independent Claim 1 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

**Independent Claim 13**, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Scott.

Applicant respectfully traverses the rejection. Specifically, Applicant incorporates the reasoning presented above in response to the rejection of Claim 1 under 35 U.S.C. § 103(a) to the extent that Claims 1 and 13 recite similar features.

Accordingly, Applicant respectfully submits that the cited references to Smith and Scott, whether individually or in combination, do not teach, disclose, or fairly suggest, "a main menu presented *on a first display* that identifies different media types," and "a collection menu that is accessible via the main menu, the collection menu presented *on a second display that replaces the first display*", as recited in Claim 13. (Emphasis added). Accordingly, Claim 13 is believed to be allowable over the cited references.

Due to the Applicant's earnest belief that Claim 13, as rejected under Section 103(a), is allowable because its recited elements are not taught or suggested in the cited

references, Applicant will not address motivation to combine with respect to Claim 13 during this response. However, Applicant hereby reserves the right to further challenge motivation to combine the cited references.

**Dependent Claims 18-21** depend from independent Claim 13 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

**Independent Claim 29**, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Scott.

Applicant respectfully traverses the rejection. Specifically, Applicant incorporates the reasoning presented above in response to the rejection of Claim 1 under 35 U.S.C. § 103(a) to the extent that Claims 1 and 29 recite similar features.

Accordingly, Applicant respectfully submits that the cited references to Smith and Scott, whether individually or in combination, do not teach, disclose, or fairly suggest, “a panel portion outside of the list portion, the panel portion displaying descriptive information regarding the title currently selected from the list of available titles, *and displaying a generic statement when no available titles are accessible from the gaming system*”, as recited in Claim 29. (Emphasis added). Accordingly, Claim 29 is believed to be allowable over the cited references.

Due to the Applicant’s earnest belief that Claim 29, as rejected under Section 103(a), is allowable because its recited elements are not taught or suggested in the cited references, Applicant will not address motivation to combine with respect to Claim 29

during this response. However, Applicant hereby reserves the right to further challenge motivation to combine the cited references.

**Dependent Claim 30** depends from independent Claim 29 and is allowable by virtue of this dependency, as well as for additional features that they recite.

**Independent Claim 55**, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Scott.

Applicant respectfully traverses the rejection. Specifically, Applicant incorporates the reasoning presented above in response to the rejection of Claim 1 under 35 U.S.C. § 103(a) to the extent that Claims 1 and 55 recite similar features.

Accordingly, Applicant respectfully submits that the cited references to Smith and Scott, whether individually or in combination, do not teach, disclose, or fairly suggest, “presenting a main menu for a game console on a display that identifies different media types that may be played by the game console”, and “upon selection of one of the media types, navigating to a title collection menu that is presented on the display, *the title collection menu replacing the main menu*”, as recited in Claim 55. (Emphasis added). Accordingly, Claim 55 is believed to be allowable over the cited references.

Due to the Applicant’s earnest belief that Claim 55, as rejected under Section 103(a), is allowable because its recited elements are not taught or suggested in the cited references, Applicant will not address motivation to combine with respect to Claim 55 during this response. However, Applicant hereby reserves the right to further challenge motivation to combine the cited references.

**Dependent Claims 56-61** depend from independent Claim 55 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

**Independent Claim 70**, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Scott.

Applicant respectfully traverses the rejection. Specifically, Applicant incorporates the reasoning presented above in response to the rejection of Claim 1 under 35 U.S.C. § 103(a) to the extent that Claims 1 and 70 recite similar features.

Accordingly, Applicant respectfully submits that the cited references to Smith and Scott, whether individually or in combination, do not teach, disclose, or fairly suggest, “a count portion outside of the list portion, the count portion displaying a number of the available titles when one or more available title are accessible via the game console, *and displaying a zero when no titles are accessible from the game console*”, as recited in Claim 70. (Emphasis added). Accordingly, Claim 70 is believed to be allowable over the cited references.

Due to the Applicant’s earnest belief that Claim 70, as rejected under Section 103(a), is allowable because its recited elements are not taught or suggested in the cited references, Applicant will not address motivation to combine with respect to Claim 70 during this response. However, Applicant hereby reserves the right to further challenge motivation to combine the cited references.



**Dependent Claims 71-83** depend from independent Claim 70 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

In closing, Applicant's decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that Applicant concurs with the conclusions set forth in the Office Action that these dependent claims are not patentable over the disclosure in the cited references. Similarly, Applicant's decision not to discuss differences between the prior art and every claim element, or every comment set forth in the Office Action, should not be considered as an admission that Applicant concurs with the interpretation and assertions presented in the Office Action regarding those claims. Indeed, Applicant believes that all of the dependent claims patentably distinguish over the references cited. Moreover, a specific traverse of the rejection of each dependent claim is not required, since dependent claims are patentable for at least the same reasons as the independent claims from which the dependent claims ultimately depend.

**CONCLUSION**

For at least the foregoing reasons, it is respectfully submitted that Claims 1-8, 10-13, 18-21, 29-30, 55-61, and 70-83 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance. If any issue remains unresolved that would prevent allowance of this case,

**Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.**

Respectfully Submitted,

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